UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,778	03/18/2004	Seiji Harada	011350-327	4682

21839 7590 06/18/2008

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
MCLEAN, NEIL R	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
06/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	10/802,778	HARADA, SEIJI	
	Examiner	Art Unit	
	Neil R. McLean	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 1-19 are now pending in this application.

Independent Claims 1, 8 and 14 have been amended.

Response to Amendment

2. Applicant's Amendment, filed 3/11/2008 regarding non statutory subject matter is now statutory. Accordingly, the rejection of Claims 1-7 under 35 U.S.C. 101, has been withdrawn.

Response to Arguments

3. Regarding Applicant's Argument:

"However, it should be noted that Takayama's execution notification unit 210 is described in reference to the *first* embodiment. See Col. 8, lines 55-57. The description at Col. 14, lines 16-30 and Col. 15, lines 5-21 of Takayama, on the other hand, is in reference to the *ninth* embodiment of Takayama. Accordingly, the Examiner is attempting to combine two distinct embodiments of Takayama without providing a reason for such combination."

Examiners Response:

The Examiner relied on Embodiment Nine of Takayama and has changed the references accordingly; e.g., FIG. 15 is a flowchart showing the processing for a **ninth**

embodiment. At step S150 a check is performed to determine whether or not **a job has been input**. At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.

4. Regarding Applicant's Argument:

"With regard to Takayama's ninth embodiment, a user is notified if the printer which received the job and other network printers cannot process the job. (Col. 15,lines 5-21). Takayama's ninth embodiment also discloses that a user is notified if a different printer (a printer which did not receive the job) performs the job. (Col. 14, lines 51-67 and Col. 15, lines 1-4). Accordingly, in Takayama's ninth embodiment, a user is notified *after a* job has failed to be performed or has been performed. In contrast, Applicants respectfully submit that in the pending claims the user is notified *before* transmitting the job to the job processing device."

Examiner's Response:

Takayama states in the Ninth Embodiment: (Please refer to Figure 15)

If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 **the plan is proposed to a user** as described in Column 14, lines 11-15.

FIG. 16B is a diagram showing the transmission of information for a case where no apparatus having capabilities consonant with the object of a job is available.

e.g., When the user of the PC 101 provides a job for the output to the printer 104 of information input by the scanner 102, and when the printer 104 disables printing because it is out of toner, the printer 104 communicates with other apparatuses, finds the printer 103, which is suitable for the object of the job, and determines its status. Then, since the printer 103 disables printing because it is out of paper, and as there is no other printer available that is suitable for the object of the job, **a notice is issued to the PC 101 to propose to the user** an optimal plan whereby when either the printer 103 or 104 has recovered to the printing enabled state, that printer will perform the job. In FIG. 16B, the process flow for these actions is indicated by arrows as described in Column 15, lines 5-20.

As a result, it is determined that the optimal method involves the return of a printing apparatus to its normal operating status. At step S165, the proposed method, whereby either the printer 104, which is out of toner, or the printer 103, which is out of paper, is to be recovered to the printing enabled state, **is presented in a window shown in FIG. 17 for approval by the user.**

As shown in Figure 15, these steps, including notifying the user that the printer or printers cannot perform the job, are done before transmitting the job to the job processing device.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayama et al. (US 6,477,570).

Regarding Claim 1: (Currently Amended)

A computer readable medium storing a computer program for causing a computer in a job transmitting device to execute a process comprising the steps of:

1) ~~setting~~ accepting an input of a processing condition [[of]] for a job from a user (FIG. 15 is a flowchart showing the processing for a ninth embodiment. At step S150 a check is performed to determine whether or not **a job has been input**.);

2) acquiring status information by the job transmitting device , ~~which is~~ wherein the status information concerning the status of a job processing device that processes said job (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.) and is communicatively connected to the computer ;

3) judging by the job transmitting device whether said job can be processed by the job processing device according to said processing condition or not based on said inputted processing condition and said status information before transmitting said job to the job processing device (e.g., When, as the result of a comparison of the statues of

the locally owned apparatus and other apparatuses, it is found that the locally owned apparatus is optimal for the performance of the job, program control moves from step S157 to step S158, whereat it is determined that the owned apparatus will perform the job, and at step S159 the job is performed by the locally owned apparatus as described in Column 13, line 62 – Column 14, line 1); and

4) ~~notifying content of a judgment~~ providing a user with a notification by the job transmitting device before transmitting said job to the job processing device if it is judged that said job cannot be processed in step 3) (If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 2: (Original)

A program as claimed in claim 1, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 3: (Original)

A program as claimed in claim 1, wherein in step 4), the content of a judgment is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 4: (Original)

A program as claimed in claim 1, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3 (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 5: (Original)

A program as claimed in claim 1, wherein said status information is acquired from the job processing device for each job in step 2) (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 6: (Original)

A program as claimed in claim 1, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51).

Regarding Claim 7: (Original)

A computer readable recording medium on which the program as claimed in claim 1 is recorded (The program code or device which performs the function described in Embodiment Nine).

Regarding Claim 8: (Currently Amended)

A job monitoring method comprising the steps of:

1) setting processing condition of a job (FIG. 15 is a flowchart showing the processing for a ninth embodiment. At step S150 a check is performed to determine whether or not **a job has been input**.);

2) acquiring status information, which is information concerning the status of a job processing device that processes said job (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.);

3) judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job processing device (e.g., When, as the result of a comparison of the statues of the locally owned apparatus and other apparatuses, it is found that the locally owned apparatus is optimal for the performance of the job, program control moves from step S157 to step S158, whereat it is determined that the owned apparatus will perform the job, and at step S159 the job is

performed by the locally owned apparatus as described in Column 13, line 62 – Column 14, line 1); and

4) notifying content of a judgment if it is judged that said job cannot be processed in step 3) (If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 9: (Original)

A job monitoring method as claimed in claim 8, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 10: (Original)

A job monitoring method as claimed in claim 8, wherein in step 4), the content of a judgment (Column 14, lines 26-29) in step 3) is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 11: (Original)

A job monitoring method as claimed in claim 8, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3) (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 12: (Original)

A job monitoring method as claimed in claim 8, wherein said status information is acquired from the job processing device for each job in step 2) (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 13: (Original)

A job monitoring method as claimed in claim 8, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51).

Regarding Claim 14: (Currently Amended)

A job monitoring device, comprising:

a setting unit for setting processing condition of a job (FIG. 15 is a flowchart showing the processing for a ninth embodiment. At step S150 a check is performed to determine whether or not **a job has been input**.);;

an acquiring unit for acquiring status information, which is information concerning the status of a job processing device that processes said job (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.);

a judging unit for judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job processing device (e.g., When, as the result of a comparison of the statues of the locally owned apparatus and other apparatuses, it is found that the locally owned apparatus is optimal for the performance of the job, program control moves from step S157 to step S158, whereat it is determined that the owned apparatus will perform the job, and at step S159 the job is performed by the locally owned apparatus as described in Column 13, line 62 – Column 14, line 1); and

a notifying unit for notifying content of a judgment if it is judged that said job processing is not executable (If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 15: (Original)

A job monitoring device as claimed in claim 14, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 16: (Original)

A job monitoring device as claimed in claim 14, wherein said notifying unit causes the content of a judgment to be displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 17: (Original)

A job monitoring device as claimed in claim 14, wherein change of the designated processing condition can be accepted if said judging unit judges that said job cannot be processed (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim18: (Original)

A job monitoring device as claimed in claim 14, wherein said acquiring unit acquires the status information from the job processing device for each job (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 19: (Original)

A job monitoring device as claimed in claim 14, wherein said acquiring unit acquires the status information received from the job processing device and stored in a storage unit in advance (e.g. Print Job Memory Unit 513 in Figure 51).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maki et al. (US 7,293,067) discloses network system in which the position, attribute, and status of a desired device on a network can visually comprehensibly be grasped. A server manages location information indicating information on the device position in a hierarchical manner and attribute information from the device. Each device holds a plurality of status information in accordance with various statuses of the device

Examiner Notes

8. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/
Examiner, Art Unit 2625
06/11/2008

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625